

MR. PAGE'S ADDITIONAL REPORT.

The subscriber, one of the minority of the committee which were referred the several memorials in relation to the prayer of the proprietors of the Susquehanna canal, concurs in the report of the minority, and respectfully asks leave to make the following by way of an additional report.

From a careful examination of the act incorporating the aforesaid canal company, it is believed that the proprietors are invested with the right of purchasing land to any extent which shall be necessary or convenient for carrying into effect the purposes contemplated by the charter. They are endowed with the faculty not only of cutting a canal, but also of "erecting grist mills and other water works." These are the objects proposed to be accomplished by the act which gave existence to the company.

By the 1st sec. of the incorporating act it is declared, "that it shall and may be lawful for the said corporation or a majority of them to agree with the owners of the lands through which the canal may pass and the owners of the lands adjoining thereto, for the purchase thereof." It is obvious that the corporation is authorised to obtain by purchase lands embraced in two descriptions, to wit, "lands through which the canal passes, and lands adjoining thereto."

By the said section if the proprietors and owners of lands "through which the canal runs, and of those adjoining thereto," cannot agree on the purchase a provision is made for the condemnation of two hundred acres of land. It is clear the right of condemnation is not co extensive with the right of purchase. The right of condemnation extends only to lands "through which the canal runs," and does not, like the right of purchase, embrace lands "adjoining thereto." The legislature, influenced by obvious motives, intended to distinguish the two rights—any limitation therefore imposed on the one does not necessarily attach to the other. The only limitation in the charter is to be found in the 7th sec. which declares "that not more than two hundred acres of land shall be condemned for the purposes aforesaid," and is silent as to the right of purchase. It is therefore thought there is no limitation as to the right of purchase, except such a limitation as would be enforced by the known rules of